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In re Application of :  
Robert T. Trick :  
Serial No. 08/100,019 :  
Filed: July 30, 1993 :  
Attorney Docket No. TRICK-201 :  
ON PETITION

This is a decision on the petition filed July 18, 1994, which is being treated as a petition under 37 CFR 1.8(b) requesting withdrawal of the holding of abandonment in the instant application.

The petition is granted.

This application was held abandoned for failure to respond to the Notice to File Missing Parts of Application - Filing Date Granted, mailed August 30, 1993. A response was due on or before September 30, 1993.

Initially, the Office sincerely apologizes for the delay in responding to the instant petition. The file and petition were only recently forwarded to the deciding official's office for action.

Petitioner states that a timely response to the Notice to File Missing Parts was mailed via certificate of mailing on September 24, 1993. The petition complies with 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously mailed correspondence with certificate of mailing thereon has been supplied, and (3) declarations which attest on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing have been submitted.

In view of the above, the holding of abandonment for failure to timely file a response to the Notice to File Missing Parts of August 30, 1993 is hereby withdrawn. Accordingly, the surcharge and copy of the declaration, along with the copy of the small entity declaration, received with the petition, will be accepted in

place of the original mailing and will be accepted as having been mailed via certificate of mailing on September 24, 1993.

There is no record that the \$65 surcharge was ever processed. Accordingly, as authorized, the \$65 surcharge will be charged to Deposit Account No. 19-3869.

This application is being forwarded to the Special Handling Unit in Application Division for preexamination processing.

*Frances Hicks*

Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects